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| Notice of Allowability | Application No. | Applicant(s) |
| | 09/752,600 | ZELLNER ET AL. |
| | Examiner | Art Unit |
| | Barry W Taylor | 2643 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 7/20/2004.
2. The allowed claim(s) is/are 1 and 4-25.
3. The drawings filed on 29 December 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



CURTIS KUNTZ

ADVISORY PATENT EXAMINER
COMPLEXITY CENTER 2600

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 and 4-25 renumbered as claims 1-23 are allowed.
2. The following is an examiner's statement of reasons for allowance.

Prior art of record fails to teach or fairly suggest a method and system for testing a communication network, comprising: transmitting a first signal from a first point to a second point of the communication network, wherein the first and second points are remotely located; recording at the first point a first time value of the transmitting using a first clock; receiving a second signal at the second point of the communication network; recording at the second point a second time value of the receiving using a second clock, wherein the first clock and second clock each operate from a substantially similar references; comparing the first signal as a function of the first and second time values; and determining at least one performance characteristic of the communication network based on the comparing as recited in independent claims 1 and 13 (renumbered as claim 14).

In other words, prior art is not limited to using four clocks. The first clock is used to time stamp a transmitted signal and the second clock is used to time stamp the received signal at a remote location from the first clock. NOTE: Both clocks are required to use a second clock (i.e. oscillator) that is to be used for a local reference time allowing the first and second clocks to operate at substantially similar reference (i.e. both have same local reference time).

Prior art (see Masri et al 6,594,344) teaches an auto latency test tool wherein latency is measured by establishing a call between a first and second device, and measuring a latency between a signal originating at the first device and the signal as it arrives at the second device (see figures 1-4). However, Masri uses a single oscilloscope (see item 110 in figures 1-4) at both locations to test the telecommunication network.

Prior art (see Eidson 6,370,159) uses two clocks operating at a same reference time but fails to show the two clocks having their own local reference time (i.e. oscillator). In other words, the two clocks share a traceable time source instead of using their own separate local reference timer (i.e. oscillator).

Similarly, DeCaluwe et al (6,195,416) only uses one clock at each node (i.e. switch) instead of using two at each node.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.



CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600